

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BOARD OF TRUSTEES OF THE AFTRA
RETIREMENT FUND, in its capacity as a
fiduciary of the AFTRA Retirement Fund,
individually and on behalf of all others similarly
situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

No. 09-cv-00686 (SAS) (DF)

BOARD OF TRUSTEES OF THE IMPERIAL
COUNTY EMPLOYEES' RETIREMENT
SYSTEM, in its capacity as a fiduciary of the
Imperial County Employees' Retirement System,
individually and on behalf of all others similarly
situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

No. 09-cv-03020 (SAS) (DF)

THE INVESTMENT COMMITTEE OF THE
MANHATTAN AND BRONX SURFACE
TRANSIT OPERATING AUTHORITY
PENSION PLAN, in its capacity as a fiduciary
of the MaBSTOA Pension Plan, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

No. 09-cv-04408 (SAS) (DF)

DECLARATION OF JONATHAN H. HURWITZ

JONATHAN H. HURWITZ declares under penalty of perjury pursuant to 28 U.S.C. § 1476:

1. I am counsel with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, attorneys for defendant JPMorgan Chase Bank, N.A. (“JPMC”) in this action. I respectfully submit this declaration on behalf of defendant in support of its Memorandum of Law in support of its motion for summary judgment dismissing certain of plaintiffs’ claims.

2. The purpose of this declaration is to submit and identify for the Court true and correct copies of the following testimony and documents referenced in defendant’s moving papers.

3. Attached as Exhibit A is a true and correct copy of excerpts of the deposition transcript of Sandra E. O’Connor dated July 23, 2010.

4. Attached as Exhibit B is a true and correct copy of excerpts of the deposition transcript of James F. Wilson dated June 29, 2010.

5. Attached as Exhibit C is a true and correct copy of excerpts of the deposition transcript of Lisa Shin dated June 25, 2010.

6. Attached as Exhibit D is a true and correct copy of excerpts of the deposition transcript of Claudia Tarantino dated July 12, 2010.

7. Attached as Exhibit E is a true and correct copy of excerpts of the deposition transcript of Gillian Van Schaick dated July 21, 2010.

8. Attached as Exhibit F is a true and correct copy of excerpts of the deposition transcript of John Donohue dated June 17, 2010.

9. Attached as Exhibit G is a true and correct copy of excerpts of the deposition transcript of Timothy Paul Glasgow dated June 10, 2010.

10. Attached as Exhibit H are true and correct copies of excerpted documents produced by JPMC in this litigation entitled “Sigma Finance Corporation Monthly Business Report, Friday 29 June 2007;” “Sigma Finance Corporation Monthly Business Report, Monday 31 December 2007;” and “Sigma Finance Corporation Monthly Business Report, Friday 29 August 2007.”

11. Attached as Exhibit I is a true and correct copy of excerpts of the deposition transcripts of the following individuals: Geoffrey P. Miller dated June 2, 2010; Daniel Nigro, taken November 18, 2010; Fiachra O’Driscoll dated December 9, 2010; and Bernard S. Black dated December 3, 2010.

12. Attached as Exhibit J is a true and correct copy of a document produced by JPMC in this litigation entitled “Sigma Finance Corporation JPMorgan Chase Bank, N.A. Repo Report,” and dated “as at close of Friday, 15 August 2008.”

13. Attached as Exhibit K is a true and correct copy of excerpts of the deposition transcript of Charles Grice dated December 7, 2010.

14. Attached as Exhibit L is a true and correct copy of excerpts of the deposition transcript of Andrew Cox dated July 12, 2010.

15. Attached as Exhibit M is a true and correct copy of the Stipulation Regarding Plaintiffs’ First and Second 30(b)(6) Deposition Notices, agreed to by the parties in this litigation dated April 19, 2010.

16. Attached as Exhibit N is a true and correct copy of excerpts of the deposition transcript of Guy America dated June 11, 2010.

17. Attached as Exhibit O are true and correct copies of documents produced by JPMC in this litigation, as follows: an email chain dated September 18, 2007, ending with an email from John J. Hogan to Andrew Cox et al.; an excerpted email dated August 31, 2007 from Robert R. Rupp to “Dimon Markets Meeting” et al.; an email chain dated August 23-24, 2007, ending with an email from Christopher D. Carlin to Andrew Cox; an email dated August 31, 2007 from Seth P. Bernstein to Jamie Dimon et al.

18. Attached as Exhibit P is a true and correct copy of excerpts of the deposition transcript of Adam Brinton dated June 23, 2010.

19. Attached as Exhibit Q are true and correct copies of documents produced by JPMC in this litigation, as follows: an excerpted copy of a document entitled “SPV Approval Proposal, Project Clove Hitch: Operational Reverse Repo Facility” dated February 10, 2008; an email chain dated February 6, 2008, ending with an email from Brian Sankey to Andrew Cox; an email chain dated March 7-8, 2008, ending with an email from Mark A. Crawley to Andrew Cox; and an email dated May 6, 2008 from Mark Crawley to Andrew Cox and Tony J. Best, and attaching a document entitled “Update on Sigma financing opportunities.”

20. Attached as Exhibit R are true and correct copies excerpted documents produced by JPMC in this litigation, and marked as Exhibits 30 and 31 at the deposition of Andrew Cox on July 12, 2010 (Cox Tr. 190:14-192:17, appended at Exhibit R), and exhibit 33 at the deposition of Javier Martin-Artajo on July 8, 2010 (Martin-Artajo Tr. 143:3-12, appended at Exhibit R).

21. Attached as Exhibit S are true and correct copies of excerpted documents produced by JPMC in this litigation, and marked as Exhibit 4 at the deposition of Claudia Tarantino on July 12, 2010 (Tarantino Tr. 95:13-97:13, appended at Exhibit D).

22. Attached as Exhibit T are true and correct copies of documents produced by JPMC in this litigation, and marked as Exhibits 2 and 3 at the deposition of Claudia Tarantino on July 12, 2010 (Tarantino Tr. 79:16-20 and 85:15-18, appended at Exhibit D). The document bearing Bates stamps JPMC0002448-JPMC0002451 was also marked as Exhibit 4 at the deposition of Gillian Van Schiack on July 21, 2010. (Van Schiack Tr. 77:22-81:8, appended at Exhibit T.)

Dated: New York, New York
March 3, 2011



JONATHAN H. HURWITZ